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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,342	08/31/2001	Grace Li	4316/19	1433

7590

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EXAMINER

BOYD, JENNIFER A

ART UNIT

1771

PAPER NUMBER

6

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,342

Applicant(s)

LI ET AL.

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 ✓
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dependent claims 14 and 15 have the same limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4 and 6 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pelley et al. (US 5,766,388).

As to claim 1, Pelley teaches an absorbent product having absorbent material distributed therein. The absorbent product includes an absorbent structure 204 having a cover layer 206, a fibrous layer 208, equated to Applicant's "liquid permeable top sheet", and a construction adhesive 210, equated to Applicant's "adhesive". The absorbent structure 204 may be laminated to a barrier layer 212 having a positioning adhesive 214 disposed upon a garment-facing surface 216 thereof. The positioning adhesive 214 may be protected by a release liner 218. The absorbent material 202, equated to Applicant's "absorbent layer", is fully contained within the absorbent product 200 by the cover layer 206, the barrier layer 212, equated to Applicant's

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“liquid impermeable back sheet”, and the densified areas 111. The densified area is substantially absorbent material-free. (See Figure 8 and column 6, lines 20 – 40). The preferred absorbent material is a superabsorbent powder (column 5, lines 41 – 45).

As to claim 2, Pelley teaches that the fibrous layer, or “liquid permeable top sheet”, can comprise cellulosic fibers or synthetic fibers (column 5, lines 11 – 27).

As to claim 3, Pelley teaches that the barrier layer, or “liquid impermeable back sheet”, can comprise polyolefin films such as polypropylene and polyethylene (column 5, lines 52 – 63).

As to claim 4, Pelley teaches that the most preferred super absorbent material is a particulate sodium polyacrylate super absorbent, Aqua Keep J-550, available from Sumitomo Seika Chemical Company, Ltd. (column 5, lines 41 – 45).

As to claims 6 and 7, Pelley teaches that the construction adhesive, or “adhesive”, can be polyurethane, ethylene-vinyl acetate copolymers and polypropylene (column 6, lines 1 – 15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelley et al. (US 5,766,388) in view of McKinney et al. (US 5,433,994).

As to claim 5, Pelley teaches the claimed invention above except for that the super absorbent polymer can be acidic.

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McKinney discloses a super absorbent structure with a permeable covering, super absorbent particles and impermeable adhesive layer (column 1, lines 50 – 67). The super absorbent particles suitable for the application include starch modified polyacrylic acids (column 2, lines 50 – 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conventional acidic super absorbent particle of McKinney in the product of Pelley motivated by the desire to use a widely available super absorbent particle which is chemically compatible with the absorbent product.

As to claim 8, Pelley in view of McKinney discloses the claimed invention except for an article thickness of between about 0.015 and 0.025 inches. It should be noted that thickness is a result effective variable; for example, as the thickness decreases, the article becomes more pliable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create an article with the thickness of between about 0.015 and 0.025 inches since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have been motivated to optimize the thickness of the article motivated by the desire to allow the article to be stored easily and increase user comfort.

6. Claims 9 – 12 and 14 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelley et al. (US 5,766,388) in view of Redford et al. (US 4,900,377).

As to claim 9, Pelley teaches an absorbent product having absorbent material distributed therein. The absorbent product includes an absorbent structure 204 having a cover layer 206, a fibrous layer 208, equated to Applicant's "liquid permeable top sheet", and a construction adhesive 210, equated to Applicant's "adhesive". The absorbent structure 204 may be laminated to a barrier layer 212 having a positioning adhesive 214 disposed upon a garment-facing surface 216 thereof. The positioning adhesive 214 may be protected by a release liner 218. The absorbent material 202, equated to Applicant's "absorbent layer", is fully contained within the absorbent product 200 by the cover layer 206, the barrier layer 212, equated to Applicant's "liquid impermeable back sheet", and the densified areas 111. The densified area is substantially absorbent material-free. (See Figure 8 and column 6, lines 20 – 40). The preferred absorbent material is a superabsorbent powder (column 5, lines 41 – 45).

Pelley fails to disclose that the absorbent pads are in roll form, selectively separable from one another along a transverse score line.

Redford discloses a limited life pad (Title) which can be used as an absorbent towel. The edge of the towel can be perforated so that when separated from another towel, if formed in a roll, a soft edge results (column 12, lines 25 – 50 and Figure 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the absorbent product of Pelley in roll form separable by perforations as suggested by Redford motivated by the desire to have a convenient means of supplying the absorbent material.

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As to claim 10, Pelley teaches that the fibrous layer, or "liquid permeable top sheet", can comprise cellulosic fibers or synthetic fibers (column 5, lines 11 – 27).

As to claim 11, Pelley teaches that the barrier layer, or "liquid impermeable back sheet", can comprise polyolefin films such as polypropylene and polyethylene (column 5, lines 52 – 63).

As to claim 12, Pelley teaches that the most preferred super absorbent material is a particulate sodium polyacrylate super absorbent, Aqua Keep J-550, available from Sumitomo Seika Chemical Company, Ltd. (column 5, lines 41 – 45).

As to claims 14 - 16, Pelley teaches that the construction adhesive, or "adhesive", can be polyurethane, ethylene-vinyl acetate copolymers and polypropylene (column 6, lines 1 – 15).

As to claim 18, Pelley in view of Redford discloses the claimed invention except for an article thickness of between about 0.015 and 0.025 inches. It should be noted that thickness is a result effective variable; for example, as the thickness decreases, the article becomes more pliable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create an article with the thickness of between about 0.015 and 0.025 inches since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have been motivated to optimize the thickness of the article motivated by the desire to allow the article to be stored easily and increase user comfort.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelley et al. (US 5,766,388) in view of Redford et al. (US 4,900,377), as applied to claim 9 above, and further in view of McKinney et al. (US 5,433,994).

Pelley in view of Redford teaches the claimed invention above except for that the super absorbent polymer can be acidic.

McKinney discloses a super absorbent structure with a permeable covering, super absorbent particles and impermeable adhesive layer (column 1, lines 50 – 67). The super absorbent particles suitable for the application include starch modified polyacrylic acids (column 2, lines 50 – 60).

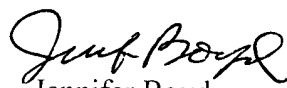
It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conventional acidic super absorbent particle of McKinney in the product of Pelley in view of Redford motivated by the desire to use a widely available super absorbent particle which is chemically compatible with the absorbent product.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jennifer Boyd
March 31, 2003

